

Before the Public Service Commission of South Carolina
Columbia, South Carolina

CM# 22-21 May 4, 2022 10:04 - 11:50 A.M.

COMMISSION MEMBERS PRESENT:

Chairman Justin T. Williams;
Vice Chair Florence P. Belser;
Commissioner Carolyn L. "Carolee" Williams;
Commissioner Stephen M. "Mike" Caston;
Commissioner Thomas J. "Tom" Ervin (via
videoconference);
Commissioner Headen B. Thomas (via teleconference);
and Commissioner Delton W. Powers, Jr.

COMMISSION MEMBER(S) ABSENT: --

PRESENTING AGENDA: Jo Anne Wessinger Hill
General Counsel

STAFF: Jackie Thomas, Information Technology Staff;
Melissa Purvis, Livestream Technician

COURT REPORTER: Kira L. Ferguson

TRANSCRIPT / MINUTES

OF

SPECIAL COMMISSION BUSINESS MEETING

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PROCEEDINGS

CHAIRMAN J. WILLIAMS: Good afternoon, ladies and gentlemen. Welcome to the Public Service Commission of South Carolina. Today is May 4th; it is 10:00 A.M., and we're here for a special business meeting. Before we get started, please join me in a brief moment of silence. Thank you, ladies and gentlemen.

Before I call roll, I would like to welcome our visiting court reporter here with us today, Ms. Kira Ferguson. Thank you for being with us here today, Ms. Ferguson.

Present in the hearing room, we have Commissioner J. Williams, Caston, C. William, Thomas, and Belser. Joining us virtually, we have Commissioner Ervin. And joining us telephonically, we have Commissioner Thomas. All right. Did I miss anyone? Did I miss Commissioner Powers?

COMMISSIONER POWERS: I don't know. I'm here.

MS. WESSINGER HILL: Yeah, you did.

CHAIRMAN J. WILLIAMS: All right. I did, all right. Commissioner Powers is here with us in the hearing room. Okay. Commissioners, we are here for a special business meeting, and I

1 believe General Counsel Wessinger Hill is
2 going to read the agenda.

3 MS. WESSINGER HILL: Thank you, Mr. Chairman
4 and Commissioners. The first item on the
5 special business meeting agenda of the
6 Commission is in docket numbers 2021-143-E and
7 2021-144-E related to the petition for
8 reconsideration and/or rehearing of Commission
9 order number 2022-239 concerning the
10 applications of Duke Energy Progress, LLC and
11 Duke Energy Carolinas, LLC for approval of a
12 smart-saver solar program as an energy
13 efficiency program.

14 CHAIRMAN J. WILLIAMS: Commissioners, is there
15 a motion?

16 COMMISSIONER CASTON: Commissioner Williams?

17 CHAIRMAN J. WILLIAMS: Commission Caston, you
18 have the floor, sir.

19 COMMISSIONER CASTON: I move that the
20 Commission deny the petition for
21 reconsideration and for rehearing of
22 Commission order number 2022-239 filed by Duke
23 Energy Progress, LLC and Duke Energy Carolina,
24 LLC. I so move.

25 CHAIRMAN J. WILLIAMS: Commissioners, hearing

1 Commissioner Caston's motion, is there any
2 discussion?

3 VICE CHAIR BELSER: Commissioner?

4 CHAIRMAN J. WILLIAMS: Vice Chair Belser.

5 VICE CHAIR BELSER: Thank you, Mr. Chairman.
6 Commissioners, while I respect the position of
7 my fellow commissioners in this matter, I was
8 in the minority on the original vote. And I
9 think that I would have -- I can't -- I don't
10 support the motion, let me just put it that
11 way, because I think there would be some areas
12 that could be reheard, but I certainly
13 understand the motion made by Commissioner
14 Caston and I respect the position that his --
15 he put on the record, but I will not be
16 supporting it.

17 CHAIRMAN J. WILLIAMS: Thank you, Vice Chair
18 Belser. Commissioners, any further
19 discussion? Hearing none, we will vote on
20 this matter, and I will note for the record
21 that Commissioner Ervin is recused and will
22 not be voting. We're going to start with
23 District one; Commissioner Williams?

24 COMMISSIONER C. WILLIAMS: I vote no.

25 CHAIRMAN J. WILLIAMS: Vice Chair Belser?

1 VICE CHAIR BELSER: I vote no.

2 CHAIRMAN J. WILLIAMS: Commissioner Caston?

3 COMMISSIONER CASTON: Aye.

4 CHAIRMAN J. WILLIAMS: Commissioner Ervin is
5 not voting. Commissioner Thomas?

6 Commissioner Thomas? We will come back to

7 Commissioner Thomas. Commissioner Powers?

8 COMMISSIONER POWERS: I vote aye.

9 CHAIRMAN J. WILLIAMS: Chairman Williams votes
10 aye. Commissioner Thomas?

11 COMMISSIONER THOMAS: Thomas votes aye.

12 CHAIRMAN J. WILLIAMS: Commissioner Thomas
13 votes aye. The ayes have it. The motion
14 carries.

15 MS. WESSINGER HILL: Mr. Chairman, item number
16 two is also in the same dockets, numbered
17 2021-143-E and 2021-144-E, however it is a
18 petition for clarification of certain findings
19 and conclusions in Commission order number
20 2022-239 filed by the Solar Energy Industries
21 Association.

22 CHAIRMAN J. WILLIAMS: Commissioners, is there
23 a motion?

24 COMMISSIONER THOMAS: Mr. Chairman, this is
25 Commissioner Thomas.

1 CHAIRMAN J. WILLIAMS: Commissioner Thomas,
2 you have the floor, sir.

3 COMMISSIONER THOMAS: I move that the petition
4 for clarification filed by the Solar Energy
5 Industries Association be denied.

6 CHAIRMAN J. WILLIAMS: Commissioners, hearing
7 Commissioner Thomas's motion, is there any
8 discussion?

9 COMMISSIONER C. WILLIAMS: Chairman Williams?

10 CHAIRMAN J. WILLIAMS: Commissioner Williams,
11 you have the floor, ma'am.

12 COMMISSIONER C. WILLIAMS: Thank you. Again
13 while -- as Vice Chair Belser said, while I,
14 you know, respect the -- my fellow
15 commissioners in their decision on this case,
16 in terms of the question related to
17 clarification, I find that you really can't
18 clarify a motion that didn't address the
19 question. The question has to do with the
20 state statute, but the clarification requested
21 was not related to the state statute, so I'm
22 going to be supporting this motion. Thank
23 you, Chairman Williams.

24 VICE CHAIR BELSER: Mr. Chairman?

25 CHAIRMAN J. WILLIAMS: Vice Chair Belser.

1 VICE CHAIR BELSER: I agree with Commissioner
2 Williams in that my reading of this is asking
3 for something akin to an advisory opinion, and
4 therefore I don't think we're in the habit of
5 issuing advisory opinions and I will be
6 supporting the motion as well. Thank you.

7 CHAIRMAN J. WILLIAMS: Thank you, Vice Chair
8 Belser. Fellow Commissioners, I just want to
9 make the observation that the motion, as far
10 as I could tell, simply speaks to the
11 Commission taking the question up and making
12 the clarification, and does not speak to the
13 substance of the question or the merits of the
14 question, or the substance or merits of the
15 answer. Considering the fact that the
16 applicant in the first item failed to meet
17 their burden to support or to show that their
18 program met the statutory requirements, I
19 don't think it's necessary to clarify or reach
20 the question that has been asked by the
21 petitioner in item two. But again, it --
22 denying to take up the question for
23 clarification doesn't -- has nothing to do
24 with the merits or the substance of the
25 question or the answer.

1 Fellow Commissioners, any further
2 comment, discussion, questions, or debate?

3 Hearing none, we'll vote. Starting with
4 District one; Commissioner Williams?

5 COMMISSIONER WILLIAMS: Aye.

6 CHAIRMAN J. WILLIAMS: Vice Chair Belser?

7 VICE CHAIR BELSER: Aye.

8 CHAIRMAN J. WILLIAMS: Commissioner Caston?

9 COMMISSIONER CASTON: Aye.

10 CHAIRMAN J. WILLIAMS: Commissioner Thomas?

11 COMMISSIONER THOMAS: Aye.

12 CHAIRMAN J. WILLIAMS: Commissioner Powers?

13 COMMISSIONER POWERS: I vote aye.

14 CHAIRMAN J. WILLIAMS: Chairman Williams votes
15 aye. The ayes have it. The motion carries.

16 Again, note for the record that Commissioner
17 Ervin is recused in this matter and is not
18 voting.

19 General Counsel Wessinger Hill?

20 MS. WESSINGER HILL: Mr. Chairman, that
21 concludes all of the action items before the
22 Commission today in the special meeting.

23 VICE CHAIR BELSER: Mr. Chairman, I have a
24 motion.

25 CHAIRMAN J. WILLIAMS: Vice Chair Belser, you

1 have the floor, ma'am.

2 VICE CHAIR BELSER: I move the Commission go
3 into executive session for receiving legal
4 advice pursuant to S.C. Code Ann. 30-4-
5 70(a)(2) on all items and matters on posted
6 administrative, utilities, and transportation
7 agendas for the May 5th, 2022 [sic], regularly
8 scheduled meeting of the Commission.

9 CHAIRMAN J. WILLIAMS: Thank you, Vice Chair
10 Belser. Vice Chair -- excuse me,
11 Commissioners, hearing Vice Chair Belser's
12 motion, is there any discussion? Hearing
13 none, we'll vote. Starting with District one;
14 Commissioner Williams?

15 COMMISSIONER WILLIAMS: I vote aye.

16 CHAIRMAN J. WILLIAMS: Vice Chair Belser?

17 VICE CHAIR BELSER: Aye.

18 CHAIRMAN J. WILLIAMS: Commissioner Caston?

19 COMMISSIONER CASTON: Aye.

20 CHAIRMAN J. WILLIAMS: Commissioner Ervin?

21 COMMISSIONER ERVIN: Aye.

22 CHAIRMAN J. WILLIAMS: Commissioner Thomas?

23 COMMISSIONER THOMAS: Aye.

24 CHAIRMAN J. WILLIAMS: Commissioner Powers?

25 COMMISSIONER POWERS: I vote aye.

1 CHAIRMAN J. WILLIAMS: Chairman Williams votes
2 aye. The ayes have it. The motion carries.
3 We are now in executive session.

4 [WHEREUPON, the Commission Meeting
5 entered Executive Session, including
6 Commissioners and legal counsel, for the
7 purpose of receiving legal advice on all items
8 and matters on the posted administrative,
9 utilities, and transportation agendas for the
10 May 4, 2022, Special Commission Business
11 Meeting.]

12 [WHEREUPON, Executive Session
13 discussion/proceedings were conducted off the
14 record from 10:13 to 11:48 A.M., after which
15 time public proceedings resumed, as follow
16 hereinafter.]

17 CHAIRMAN J. WILLIAMS: Good afternoon, ladies
18 and gentleman. Welcome back to the Public
19 Service Commission of South Carolina. Today
20 is May the 4th. To all those out there, May
21 the 4th be with you. It is 11:48 and we are
22 back in the hearing room. Is there a motion?

23 VICE CHAIR BELSER: Mr. Chairman?

24 CHAIRMAN J. WILLIAMS: Vice Chair Belser.

25 VICE CHAIR BELSER: I move the Commission end

1 Executive Session and return to Public
2 Session. I would add that during the
3 Executive Session, no decisions were made and
4 no votes taken.

5 CHAIRMAN J. WILLIAMS: All right. Thank you,
6 Vice Chair Belser. And just for -- to make
7 sure we have everyone present with us, let's
8 take roll before we vote. Present in the
9 hearing room, we have Commissioners J.
10 Williams, C. Williams, Caston, Powers, and
11 Belser. Joining us virtually, we have
12 Commissioner Ervin. And joining us
13 telephonically, we have Commissioner Thomas.
14 Hearing Vice Chair Belser's motion, we will
15 vote. Starting with District one;
16 Commissioner Williams?

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN J. WILLIAMS: Vice Chair Belser?

19 VICE CHAIR BELSER: Aye.

20 CHAIRMAN J. WILLIAMS: Commissioner Caston?

21 COMMISSIONER CASTON: Aye.

22 CHAIRMAN J. WILLIAMS: Commissioner Ervin?

23 COMMISSIONER ERVIN: Aye.

24 CHAIRMAN J. WILLIAMS: Commissioner Thomas?

25 COMMISSIONER THOMAS: Aye.

1 CHAIRMAN J. WILLIAMS: Commissioner Powers?

2 COMMISSIONER POWERS: I vote aye.

3 CHAIRMAN J. WILLIAMS: Chairman Williams votes
4 aye. The ayes have it. The motion carries.

5 [WHEREUPON, at 11:48 A.M., the Commission
6 Meeting re-entered Open Session.]

7 General Counsel Wessinger Hill, is there
8 anything else before we adjourn today?

9 MS. WESSINGER HILL: Mr. Chairman, this
10 concludes all matters pending before the
11 Commission today.

12 CHAIRMAN J. WILLIAMS: Thank you, ma'am.
13 Ladies and gentlemen, we're adjourned.

14 (WHEREUPON, at 11:50 a.m. the proceedings
15 in the above-entitled matter were
16 adjourned.)

17 (*This transcript may contain quoted
18 material. Such material is reproduced as
19 read or quoted by the speaker.)

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

CERTIFICATE

Be it known that Kira L. Ferguson took the foregoing proceeding and hereby attests:

that I was then and there a notary public in and for the State of South Carolina-at-large and that by virtue thereof I was duly authorized to administer an oath;

that the deponent/witness was first duly sworn to testify to the truth, the whole truth, and nothing but the truth, concerning the matter in the controversy aforesaid;

that the foregoing transcript represents a true, accurate, and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

that I am neither a relative nor an employee of any of the parties hereto, nor of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action;

that, if a recording of an event was supplied by another party for purposes of transcription and I was not present during that event, the foregoing pages were transcribed to the best of my skill and ability; additionally, any identifications of speakers were provided to me by the party supplying the recording;

that, in the event of a nonappearance by the witness, the foregoing details for the nonappearance are accurate.

In witness thereof, I have hereunto affixed my signature and title.

Kira L. Ferguson

Date: 5/16/2022
Notary public for South Carolina
My commission expires May 25, 2027.

*Unless otherwise noted, this notary public administered the oath. Please refer to the transcript for any exceptions.

| WORD LIST | | | | |
|--------------------|-----------------------|-----------------------------|----------------------|-----------------------|
| < 1 > | afternoon (2) | Columbia (1) | exceptions (1) | Jackie (1) |
| 10:00 (1) | AGENDA (3) | come (1) | excuse (1) | Jo (1) |
| 10:04 (1) | agendas (2) | comment (1) | executive (6) | join (1) |
| 10:13 (1) | agree (1) | Commission (22) | expires (1) | Joining (4) |
| 11:48 (3) | akin (1) | Commissioner (71) | | Jr (1) |
| 11:50 (2) | and/or (1) | Commissioners (15) | < F > | Justin (1) |
| < 2 > | ANDERSON (1) | complete (1) | fact (1) | < K > |
| 2021-143-E (2) | Ann (1) | concerning (2) | failed (1) | Kira (4) |
| 2021-144-E (2) | Anne (1) | concludes (2) | far (1) | know (2) |
| 2022 (3) | answer (2) | conclusions (1) | fellow (4) | known (1) |
| 2022-239 (3) | applicant (1) | conducted (1) | Ferguson (5) | < L > |
| 2027 (1) | applications (1) | Considering (1) | filed (3) | ladies (4) |
| 22-21 (1) | approval (1) | contain (1) | find (1) | legal (3) |
| 25 (1) | areas (1) | controversy (1) | findings (1) | Livestream (1) |
| < 3 > | asked (1) | Counsel (6) | first (3) | LLC (4) |
| 30-4 (1) | asking (1) | COUNTY (1) | floor (4) | < M > |
| < 4 > | Association (2) | COURT (2) | Florence (1) | ma (3) |
| 4 (2) | attests (1) | < D > | follow (1) | making (1) |
| 4th (3) | attorney (1) | Date (1) | foregoing (4) | material (2) |
| < 5 > | authorized (1) | debate (1) | further (2) | matter (5) |
| 5/16/2022 (1) | Aye (25) | decision (1) | < G > | matters (3) |
| 5th (1) | ayes (4) | decisions (1) | General (4) | meet (1) |
| < 7 > | < B > | Delton (1) | gentleman (1) | MEETING (9) |
| 70(a)(2 (1) | back (3) | denied (1) | gentlemen (3) | Melissa (1) |
| < A > | believe (1) | deny (1) | given (1) | MEMBER(S (1) |
| A.M (5) | Belser (30) | denying (1) | go (1) | MEMBERS (1) |
| ability (2) | best (2) | deponent/witne ss (1) | going (3) | merits (3) |
| above- | brief (1) | details (1) | Good (2) | met (1) |
| entitled (1) | burden (1) | didn (1) | < H > | Mike (1) |
| ABSENT (1) | BUSINESS (5) | discussion (5) | habit (1) | minority (1) |
| accurate (2) | < C > | discussion/pro ceedings (1) | Headen (1) | MINUTES (1) |
| action (2) | call (1) | District (4) | hearing (11) | moment (1) |
| add (1) | Carolee (1) | docket (1) | hereinafter (1) | motion (18) |
| additionally (1) | Carolina (7) | dockets (1) | hereto (2) | Motion/Executi ve (1) |
| address (1) | Carolina-at-large (1) | doesn (1) | hereunto (1) | Motion/Open (1) |
| adjourn (1) | Carolinas (1) | don (4) | Hill (9) | move (5) |
| adjourned (2) | Carolyn (1) | Duke (4) | < I > | < N > |
| administer (1) | carries (4) | duly (2) | identification s (1) | necessary (1) |
| administered (1) | case (1) | < E > | including (1) | neither (1) |
| administrative (2) | Caston (16) | efficiency (1) | INDEX (1) | nonappearance (2) |
| advice (2) | certain (1) | employed (1) | Industries (2) | notary (3) |
| advisory (2) | certainly (1) | employee (1) | Information (1) | note (2) |
| affixed (1) | CERTIFICATE (1) | Energy (7) | interested (1) | noted (1) |
| aforesaid (2) | Chair (29) | entered (1) | issuing (1) | number (4) |
| | Chairman (57) | Ervin (10) | item (4) | numbered (1) |
| | clarification (6) | event (3) | items (3) | numbers (1) |
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| | Code (1) | | | observation (1) |
| | | | | Okay (1) |
| | | | | Open (2) |

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| opinion (1) | (2) | substance (3) | virtue (1) |
| opinions (1) | related (3) | supplied (1) | visiting (1) |
| order (3) | relative (1) | supplying (1) | vote (13) |
| original (1) | REPORTER (2) | support (2) | votes (7) |
| outcome (1) | represents (1) | supporting (3) | voting (3) |
| < P > | reproduced (1) | sure (1) | < W > |
| pages (1) | requested (1) | sworn (1) | want (1) |
| parties (2) | requirements (1) | < T > | way (1) |
| party (2) | respect (3) | take (2) | Welcome (3) |
| pending (1) | resumed (1) | taken (1) | well (1) |
| petition (4) | return (1) | Technician (1) | Wessinger (9) |
| petitioner (1) | right (4) | Technology (1) | William (1) |
| place (1) | roll (2) | teleconference (1) | Williams (65) |
| please (2) | room (4) | telephonically (2) | witness (2) |
| position (2) | < S > | tell (1) | < Y > |
| posted (2) | S.C (1) | terms (1) | Yeah (1) |
| Powers (13) | scheduled (1) | testify (1) | |
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| PRESENTING (1) | session (8) | Thank (12) | |
| proceeding (1) | Session..... | thereof (2) | |
| PROCEEDINGS (3) | | think (4) | |
| program (3) | ...3 (1) | Thomas (24) | |
| Progress (2) | Session..... | time (2) | |
| provided (1) |13 (1) | title (1) | |
| Public (8) | Session..... | Today (7) | |
| purpose (1) |11 (1) | Tom (1) | |
| purposes (1) | show (1) | transcribed (1) | |
| pursuant (1) | sic (1) | TRANSCRIPT (4) | |
| Purvis (1) | signature (1) | transcription (2) | |
| put (2) | silence (1) | transportation (2) | |
| < Q > | simply (1) | true (1) | |
| question (9) | sir (2) | truth (3) | |
| questions (1) | skill (2) | two (2) | |
| quoted (2) | smart-saver (1) | < U > | |
| < R > | solar (3) | understand (1) | |
| reach (1) | South (7) | utilities (2) | |
| read (2) | speak (1) | < V > | |
| reading (1) | speaker (1) | Vice (29) | |
| really (1) | speakers (1) | videoconferenc | |
| receiving (2) | speaks (1) | e (1) | |
| reconsideratio | SPECIAL (6) | virtually (2) | |
| n (2) | STAFF (2) | | |
| record (4) | start (1) | | |
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| recused (2) | Starting (3) | | |
| re-entered (1) | state (4) | | |
| refer (1) | statute (2) | | |
| regularly (1) | statutory (1) | | |
| reheard (1) | Stephen (1) | | |
| rehearing | | | |